

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jeffrey Liedke & Jessica Liedke

(b) County of Residence of First Listed Plaintiff Carbon County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Ralph J. Bellafatto, Esquire; 610-923-9200
4480 William Penn Highway, Easton, PA. 18045

DEFENDANTSDirect TV, Inc., Mastec Inc. t/a d/b/a Mastec Advanced Technologies
John Doe Installer

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. Section 1332

Brief description of cause:
Negligence/fall from ladder

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ Excess arbitration limits
CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
02/24/2017SIGNATURE OF ATTORNEY OF RECORD
s/Ralph J. Bellafatto, Esquire

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PLAINTIFFS:	:	NO.
JEFFREY LIEDKE	:	
JESSICA LIEDKE	:	JURY TRIAL DEMANDED
	:	
vs.	:	
	:	
DEFENDANTS:	:	
DIRECTV, INC.,	:	
MASTEC, INC., t/a, d/b/a	:	
MASTEC ADVANCED TECHNOLOGIES,:	:	
JOHN DOE INSTALLER	:	

COMPLAINT

I. PARTIES

1. Plaintiffs Jeffrey Liedke and Jessica Liedke are adult individuals, husband and wife, residing at 69 Pope Lane, Carbon County, Albrightsville, PA.
2. Defendant DIRECTV, Inc. ("Direct TV") is a business corporation doing business and registered to do business in Pennsylvania with a corporation business address c/o Corporation Service Co., 2595 Interstate Drive, Harrisburg, Dauphin County, PA. 17110.
3. Defendant MasTec Inc., t/a, d/b/a MasTec Advanced Technologies ("MasTec"), is a business corporation doing business in the Commonwealth of Pennsylvania, with corporate offices located at 6446 S. Kenton Street, Suite 100, Centennial, CO 80111. MasTec is registered to do business in Pennsylvania and maintains a registered address at 252 Ferndale Lane, Downingtown, PA. 19335. At all times material hereto, Mastec was Direct TV's third party

installer for satellite television services, and its agent for the purposes of conduct which is the subject of this Complaint.

4. Defendant John Doe, is an as yet unidentified adult individual, and upon information and belief, at all times material hereto, was employed by MasTec to install Direct TV equipment, including specifically the installation at Plaintiffs' residence which is the subject of this Complaint. At all times hereto, John Doe was acting as the agent, servant, employee and/or joint venturer of both corporate Defendants and acted with their permission, and within the course and scope of his employment or agency, such that Direct TV and MasTec are vicariously liable for John Doe's negligence.

II. JURISDICTION

5. The jurisdiction of this Honorable Court is involved, pursuant to 28 U.S.C. Section 1332, diversity of citizenship in a case where the amount in controversy is in excess of \$75,000.00.

III. VENUE

6. This claim is properly venued in the Middle District of Pennsylvania in that all of the Plaintiffs and Defendants in this action reside and transact business within the Middle District of Pennsylvania, and all actions which are the subject of this Complaint occurred within the Middle District of Pennsylvania.

IV. FACTS

7. On or about January 25, 2016, Plaintiff, Jeffrey Liedke had made arrangements with Direct TV to install a newly purchased Direct TV satellite cable at his residence at 69 Pope Lane, Albrightsville, Carbon County, Pennsylvania

8. Thereafter John Doe arrived at Plaintiffs' residence to hook up six televisions and a

digital video recorder. John Doe arrived right around noon and proceeded to inspect the property for the most appropriate dish location to ensure a clear signal. After canvassing the property, John Doe advised that he could find “no clear line of sight” and told Liedke that he had three options; (1) call a supervisor to come to the property for a second opinion; (2) call a tree service; or (3) “we can cut down two branches off of a tree and you’ll have TV today” with a clearly expressed recommendation and preference for the third option.

9. The installer asked Jeffery Liedke if he had a ladder and a chainsaw, which he did, and after retrieving the ladder from the garage, the two proceeded to the tree with the problem branches. The installer set the ladder against the tree, stomped it down into the ground and told Liedke that he would hold the ladder while Liedke climbed.

10. As he started up the ladder Liedke confirmed “hold the ladder”, to which the installer responded “I got it” as he handed the chainsaw to Liedke. Liedke climbed up approximately 15 feet and cut the first branch without incident, which fell to the ground.

11. As Liedke began cutting the second branch, the ladder shook and started tilting to the side because John Doe had abandoned holding the ladder and instead was dragging the first branch away, and in the process dragged it against the bottom of the ladder causing it to become unstable, lean and then fall, and along with it, Liedke.

12. Liedke fell to the ground feet first, sustaining serious bodily injury, including a fracture of the calcaneus bones in his left heel as more fully set forth below.

13. John Doe then hurriedly left the scene, without even summoning assistance to help Liedke who was still laying in the snow on the ground unable to get up.

COUNT I

JEFFREY LIEDKE AND JESSICA LIEDKE

vs.

DIRECT TV, INC., MASTEC INC. t/a, d/b/a MASTEC ADVANCED TECHNOLOGIES, AND
JOHN DOE

NEGLIGENCE/VICARIOUS LIABILITY

14. Plaintiffs hereby incorporate by reference, paragraphs 1 through 13 as though the same were set forth herein at length.

15. Plaintiffs aver that the subject fall and the subsequent injury was caused as a direct and proximate result of Defendants', negligence. Defendants' negligence includes:

- a. Failing to hold the ladder in a safe manner;
 - b. Failing to maintain proper and adequate control of the ladder;
 - c. Recommending the tree trimming;
 - d. Failing to warn Plaintiff that he was going to abandon holding the ladder;
 - e. Abandoning the ladder while Plaintiff was on it;
 - f. Dragging the cut branch into the base of the ladder causing it to become unstable and fall;
 - g. Deviating from safety procedures recommended and mandated by his employers;
 - h. Failing to adequately stabilize the ladder or otherwise setting the ladder improperly;
 - I. Abandoning Plaintiff who was injured;
 - j. Otherwise causing the ladder to fall, causing Plaintiff's injuries;
16. At all times material hereto, Plaintiff, Jeffrey Liedke, acted with due care and did

not contribute to the occurrence of the incident in any way.

17. As a direct and proximate result of Defendants' negligence and the subsequent fall, Jeffrey Liedke, sustained various and sundry medical injuries, some or all of which may be permanent, including injuries to his foot, in the nature of a comminuted and displaced intra-articular calcaneal fracture with displacement of the fragments and depression of the posterior subtalar joint, requiring surgery.

18. As a direct and proximate result of Defendants' negligence and the subsequent fall, Plaintiff, Jeffrey Liedke, sustained expenses for medical treatment, to his pecuniary detriment and loss.

19. As a direct and proximate result of Defendants' negligence and the subsequent fall, Plaintiff, Jeffrey Liedke, has sustained great bodily pain and suffering as well as inconvenience, emotional distress, and nervousness, to his pecuniary detriment and loss.

20. As a direct and proximate result of Defendants' negligence and the subsequent fall, Plaintiff, Jeffrey Liedke, has suffered interruption, interference, and impediments in engaging in his daily habits and pursuits, and has sustained a loss of life's pleasures to his pecuniary detriment and loss.

21. As a direct and proximate result of Defendants' negligence and the subsequent fall, Plaintiff, Jeffrey Liedke, has suffered work loss and/or loss of earning capacity.

22. Some or all of Plaintiff's damages are continuing and/or may be permanent.

WHEREFORE, Plaintiff, Jeffrey Liedke, demands judgment against Defendants in an amount in excess of arbitration limits, together with an award of costs and whatever additional relief the court deems appropriate.

COUNT II

JESSICA LIEDKE

vs.

DIRECT TV, INC., MASTEC INC t/a, d/b/a MASTEC ADVANCED TECHNOLOGIES, AND
JOHN DOE, INSTALLER

LOSS OF CONSORTIUM

23. Plaintiffs incorporate herein by reference paragraphs 1 through 22 as though the same were set forth herein at length.

24. As a direct and proximate result of Defendants' negligence and the subsequent fall, Plaintiff, Jessica Liedke has been deprived of the society, companionship, and assistance of her husband, Jeffrey Liedke, and has sustained a loss of consortium to her pecuniary detriment.

25. Some or all of Plaintiff, Jessica Liedkle's damages are continuing and/or may be permanent.

WHEREFORE, Plaintiff, Jessica Liedke, demands judgment against Defendants in an amount in excess of arbitration limits, together with an award of costs and whatever additional relief the court deems appropriate.

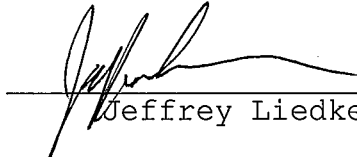
RALPH J. BELLAFATTO, P.C.

BY s/ Ralph J. Bellafatto

Ralph J. Bellafatto, #43988
ralph@bellafatto.com
4480 William Penn Highway
Easton, Pa. 18045
610-923-9200

VERIFICATION

Jeffrey Liedke, being duly sworn according to law, deposes and says that he is Plaintiff herein, and that the facts set forth in the foregoing Complaint are based upon information which he has furnished to his counsel and information which has been gathered by his counsel in the preparation of this Complaint. The language of the foregoing Complaint is that of counsel and not of the undersigned himself. The undersigned has read the foregoing Complaint, and, to the extent that it is based upon information which has been given to his counsel, that information is true and correct to the best of his knowledge, information and belief. To the extent that the content of the foregoing Complaint is that of counsel, the undersigned has relied upon counsel in making this affidavit. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C. S. Section 4904 relating to unsworn falsification to authorities.



Jeffrey Liedke

Dated: 2/23/17